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TELEPHONE  
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FACSIMILE  
(617) 451-0313

THOMAS P. GRODT  
RICHARD E. GAMACHE  
MARK A. SUPERKO  
CHI SUK KIM

OF COUNSEL  
ARTHUR S. MORGENSTERN

JOSEPH WEINGARTEN  
(1919-1984)

STANLEY M. SCHURGIN  
CHARLES L. GAGNEBIN III  
VICTOR B. LEBOVICI  
BEVERLY E. HJORTH  
HOLLIDAY C. HEINE, Ph.D.  
GORDON R. MORIARTY  
JAMES F. THOMPSON  
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LIN B. OLSEN

### FACSIMILE COVER SHEET

DATE: May 6, 2002

TO: Examiner Leonard Smith  
PCT Legal Office

Fax No.: (703) 308-6459

FROM: Charles L. Gagnebin III

No. of pages transmitted  
(including this page) 9

Our File: ADE-066Xq999/ADE-066XX

Time: 3:20 pm

Your Ref: Appl. No. PCT/US00/34806  
Filed: 12/22/00 and  
09/914,456 filed 8/28/01

Sent by: JDE

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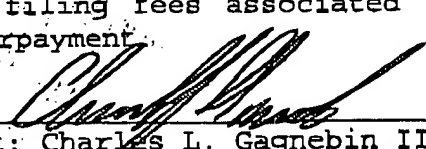
### MESSAGE

PLEASE DELIVER DIRECTLY TO:  
EXAMINER LEONARD SMITH, Tel. (703) 305-7556  
PCT LEGAL OFFICE

Enclosed for filing please find a:

RENEWED PETITION UNDER 37 CFR 1.47(a) (3 pages)  
AFFIDAVIT OF ALEX BELYAEV (1 page)  
DECLARATION OF LIN B. OLSEN...UNDER 37 CFR 1.47(a) (2 pages)  
4/29/02 COVER LETTER TO ALEX BELYAEV w/FEDEX RECEIPT (2 pages)

The Commissioner is hereby authorized to Charge Deposit  
Account No. 23-0804 for any additional filing fees associated  
with this communication or credit any overpayment.

  
Attorney for Applicant: Charles L. Gagnebin III  
Registration No. 25,467

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RECIPIENT(S). THANK YOU.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Jaydeep Sinha et al.  
International  
Application No. : PCT/US00/34806  
International  
Filing Date : December 22, 2000  
U.S. Application No.: 09/914,456  
U.S. Filing Date : August 28, 2001  
For : SPECIMEN TOPOGRAPHY RECONSTRUCTION  
PCT Legal Examiner : Leonard Smith  
Attorney's Docket : ADE-066XQ999 and ADE-066XX

Group Art Unit: Unassigned

\*\*\*\*\*  
I hereby certify that this correspondence is being sent via  
facsimile to Examiner Leonard Smith, U.S. Patent & Trademark  
Office, PCT Legal Office, Washington, D.C., Fax No. (703) 308-6459  
on 5-6-02.

By: 

Charles L. Gagnebin III  
Registration No. 25,467  
Attorney for Applicants

\*\*\*\*\*

RENEWED PETITION UNDER 37 CFR 1.47(a)

Via Facsimile (703-308-6459)  
Examiner Leonard Smith  
PCT Legal Office  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

Sir:

In response to the Decision on Petition under 37 CFR 1.47(a)  
mailed March 5, 2002, in which the original Petition on the above-  
identified applications was dismissed, applicant hereby renews the  
petition to have the applications referenced above accepted when

International Application No. PCT/US00/34806  
International Filing Date: December 22, 2000  
U.S. Application No. 09/914,456  
U.S. Filing Date: August 28, 2001  
Group Art Unit: Unassigned

one inventor refuses to sign the application. The four requirements for this petition, and their status are:

1. The fee under 37 CFR 1.17(h) accompanied the prior petition herein renewed.

2. An affidavit of Alexander Belyaev, the missing inventor, stating that he has received a copy of the application and refuses to sign the declaration in enclosed as Exhibit A. The circumstances of this refusal are detailed in the second declaration of Lin Olsen enclosed as Exhibit B.

3. The last known address of Mr. Belyaev is:

707 Continental Circle  
Apartment 531  
Mountain View, CA 94040

4. A declaration of the other inventor, Jaydeep Sinha, was submitted with the previous petition and application.

Any questions or comments with regard to this renewed petition should be directed to the Applicant's representative at the telephone number listed below.

International Application No. PCT/US00/34806  
International Filing Date: December 22, 2000  
U.S. Application No. 09/914,456  
U.S. Filing Date: August 28, 2001  
Group Art Unit: Unassigned

In the event any additional fee is required, please charge  
such amount to Patent and Trademark Office Deposit Account No. 23-  
0804. A triplicate of this transmittal letter is enclosed.

Respectfully submitted,

JAYDEEP SINHA ET AL.

By: 

Charles L. Gagnebin III  
Registration No. 25,467  
Attorney for Applicants

WEINGARTEN, SCHURGIN,  
GAGNEBIN & LEOVICI LLP  
Ten Post Office Square  
Boston, MA 02109  
Telephone: (617) 542-2290  
Telecopier: (617) 451-0313

LBO/jde/272164  
Enclosures

May 03 02 03:16p

Reece &amp; Associates, P.C.

(617) 747-7551

P.2

EXHIBIT A

Affidavit of Alex Belyaev

I, Alex Belyaev, hereby depose and state as follows:

1. I was formerly employed by ADE Corporation. I am now employed by KLA-Tencor Corporation.
2. I have received a copy of the Patent Application No. 09/914,456, titled "Specimen Topography Reconstruction" by registered mail from Attorney Lin B. Olsen.
3. I understand that I am listed as an inventor of the material covered in Application No. 09/914,456.
4. I have been asked to sign the Declaration and Power of Attorney for Application No. 09/914,456.
5. Because there is a pending lawsuit between ADE Corporation, KLA-Tencor Corporation, and me, I am declining to sign the Declaration and Power of Attorney at this time.

Signed under the penalties of perjury on this 3  
day of May 2002.

Alex Belyaev

Alex Belyaev  
707 Continental Circle, Apt 5231  
Mountain View, CA 94040

/269866

BY: MA RECEIVED  
MAY 6 2002

WEINSTEIN, SCHURGIN,  
GAGNEBIN & LEBOVICI LLP

C. V. d.

## EXHIBIT B

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Jaydeep Sinha et al.  
 International  
 Application No. : PCT/US00/34806  
 International  
 Filing Date : December 22, 2000  
 U.S. Application No.: 09/914,456  
 U.S. Filing Date : August 28, 2001  
 For : SPECIMEN TOPOGRAPHY RECONSTRUCTION  
 PCT Legal Examiner : Leonard Smith  
 Attorney's Docket : ADE-066XQ999 and ADE-066XX

Group Art Unit: Unassigned

\*\*\*\*\*  
 I hereby certify that this correspondence is being sent via  
 facsimile to Examiner Leonard Smith, U.S. Patent & Trademark  
 Office, PCT Legal Office, Washington, D.C., Fax No. (703) 308-  
 6459 on 5-6-2

By: 

Charles L. Gagnebin III  
 Registration No. 25,467  
 Attorney for Applicants

\*\*\*\*\*

DECLARATION OF LIN B. OLSEN, ESQ.  
 IN SUPPORT OF FILING WITHOUT THE SIGNATURE  
 OF AN INVENTOR UNDER 37 C.F.R. §1.47(a).

I, Lin B. Olsen, declare as follows:

1. I am the associate attorney of record for the above-identified patent application. I make this declaration providing facts in support of filing without the signature of inventor Alexander Belyaev.

2. The above-identified application lists as co-inventors Jaydeep Sinha and Alexander Belyaev.

3. The above identified application was filed on 22 December, 2000 with the PCT receiving office at the United States Patent and Trademark office, and a PCT Request properly executed

International Application No. PCT/US00/34806  
International Filing Date: December 22, 2000  
U.S. Application No. 09/914,456  
U.S. Filing Date: August 28, 2001  
Group Art Unit: Unassigned

by all the listed inventors, except Alexander Belyaev, was being submitted to the PCT Receiving Office.

4. I have attempted to secure the signature of the inventor, Alexander Belyaev.

5. On April 29, 2002, I sent a copy of the above-identified patent application, transmittal paperwork and affidavit statements in case of refusal to Alexander Belyaev at 707 Continental Circle, Apartment 531, Mountain View California 94040 with a cover letter. A copy of this letter is attached as Exhibit C.

6. On April 30, 2002, Federal Express informed us that the package had been delivered.

7. On May 6, 2002, I received a signed affidavit from Alexander Belyaev refusing to execute the transmittal paperwork. A copy of this affidavit is attached as Exhibit A.

Signed this 6 day of May, 2001

  
Lin B. Olsen

Enclosures:

Exhibit A: Signed Affidavit of Alexander Belyaev received May 6, 2002  
Exhibit C: April 29, 2002 Cover Letter sent to Alexander Belyaev  
w/application

271744

EXHIBIT C

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP  
TEN POST OFFICE SQUARE  
BOSTON, MASSACHUSETTS 02109

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TELEPHONE  
617.542.2290  
FACSIMILE  
617.451.0313

STANLEY M. SCHURGIN  
CHARLES L. GAGNEBIN III  
VICTOR B. LEBOVICI  
BEVERLY E. HJORTH  
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THOMAS P. GRODT  
RICHARD E. GAMACHE  
MARK A. SUPERKO  
CHI SUK KIM  
OF COUNSEL  
ARTHUR S. MORGENSTERN  
JOSEPH WEINGARTEN  
(919-1984)

BY FEDEX

April 29, 2002

Mr. Alexander Belyaev  
707 Continental Circle  
Apartment 531  
Mountain View, CA 94040

Re: U.S. Patent Application of Jaydeep Sinha and Alexander Belyaev  
Entitled: Specimen Topography Reconstruction  
Our File: ADE-066xx/ADE-066XQ999  
Application Serial No. 09/914,456

Dear Mr. Belyaev:

At the direction of your attorney, Larry Reece, enclosed for execution is the patent application on the above-identified matter. Please review the enclosed application and sign and date the Declaration form enclosed.

Should any changes or corrections in the Declaration be necessary, please let us know so that substitute pages can be prepared prior to its execution.

Also enclosed is an affidavit should you choose not to sign the Declaration. Signing the affidavit affirms that you have seen a copy of the application and do not elect to sign the Declaration at this time.

Kindly return the signed documents in the attached envelope for filing in the Patent and Trademark Office.

Sincerely,

  
Lin B. Olsen

LBO/jde/269875

Enclosures: Application No 09/914,456 including:

- 11 pages of specification,
- 6 pages of claims,
- 1 page of Abstract and
- 3 pages of drawings.
- Declaration and Power of Attorney - 4 pages
- affidavit of Alex Belvaev - 1 page



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## Your Shipment Details

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**To:**  
 Lin B. Olsen, Esq.  
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 (617) 542-2290

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**Home Delivery Option:** N/A  
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